

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
TUESDAY, MAY 25, 1999  
2:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman  
Bernie Heier  
Larry Hudkins  
Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer  
Diane Staab, Deputy County Attorney  
Steve Huggenberger, Assistant City Attorney  
Jennifer Dam, Planning Department  
Vince Mejer, Purchasing Agent  
Larry Worrell, County Surveyor  
Doug Ahlberg, Emergency Management Director  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 DISCUSSION WITH RIVER OAKS COMMUNICATIONS CORPORATION  
REGARDING DEVELOPMENT OF A MODEL TELECOMMUNICATIONS AND  
PERSONAL WIRELESS SERVICES ORDINANCE - Tom Duchen,  
Telecommunications Consultant**

Tom Duchen, Telecommunications Consultant, stated that work is proceeding on development of the following ordinances for the City and County:

- \* A Personal Wireless Ordinance, which will address the location of antennas and cellular towers
- \* A Model Telecommunications Ordinance, which will address right-of-way management, franchise licenses and permits, fee recovery issues, construction standards and public health, safety and welfare standards

Duchen presented a brief overview of Exhibit A, which covers the following topics:

- \* Personal Wireless Services
- \* Some Current Industry Providers
- \* Federal Legislation
- \* Role of Local Governments
- \* Opportunities and Challenges
- \* Some Jurisdictions Instituted Moratoria
- \* Personal Wireless Service Facilities Ordinance

- \* Leasing of Property and Facilities for Personal Communications System (PCS) and Wireless
- \* Master/Model Telecommunications Ordinance
- \* Purpose of the Model Telecommunications Ordinance
- \* Model Telecommunications Ordinance Overview
- \* Broad Concerns of the Franchising Authority
- \* Some Projected New Services of Cable Providers
- \* Telecommunications Act of 1996
- \* Some Technological Components, Shaping Network Development
- \* Public Institutional Networks (I-NETS)

Duchen noted that personal communications systems (PCS) require placement of an antenna every ½ mile compared to 1 to 1½ mile placement of towers for cellular systems. Providers will seek placement of these antennas and towers following a grid system, although investigation of the availability of alternative sites could be required by the governing body. He cautioned that rejection of any request for placement of an antenna or tower must be supported by evidence documented in the written record that zoning code and regulations were not followed.

In response to a question from Steinman, Duchon stated the Personal Wireless Ordinance will encourage co-location of other providers. Cellular towers under 100 feet in height must be engineered to provide for one additional provider, while those over 100 feet in height must provide for two additional providers. Space at the base of the tower must also be provided.

Preference of siting of antennas or cellular towers on public property was briefly discussed, with Duchon noting that positive factors include collection of revenue and percentage of sublease payments, provision of space for governmental functions, ability to enforce architectural and aesthetic issues and enforcement authority in the event of abandonment.

Technical interference issues were also discussed, with amendment of the draft ordinance to require all PCS providers to provide certification and sufficient proof that their facility does not produce technical interference, or an engineering study could be ordered.

Kerry Eagan, Chief Administrative Officer, also recommended inclusion of a hold harmless clause requiring correction, at the provider's expense, if interference is detected.

Duchon indicated that he will amend the Personal Wireless Ordinance to change "structure-mounted wireless" and "building-mounted wireless" to "structure-mounted antenna" and "building-mounted antenna" in the Type of Permit Required Section, and create a separate category in that section for building-mounted towers.

The Board concurred with that change.

Duchon reviewed *City of Lincoln and Lancaster County, Personal Wireless Facilities* (Exhibit B), noting that input is still needed from the County Board and City Council with regards to the following policy decisions:

1. What type of aesthetic and screening requirements are necessary or desirable?
2. What type of setbacks should be imposed from adjoining property owners and public thoroughfares?
3. To what extent should providers be required to check for alternative sites on existing buildings and facilities and within what radius? What mapping and tower separation requirements are necessary or desirable?
4. What types of color are permissible from a blending standpoint, and do the City and County want to allow lights, signals and signs on towers?
5. Do the City and County have a preference for monopoles versus lattice towers?
6. With respect to rooftops, what type of coverage should be permissible on the roofs themselves; what type of screening and parapets may be required or allowed?
7. Do the City and County want to create incentives for co-location? Do the City and County prefer to have a fewer number of towers which are taller or a larger number of towers with less height?
8. Do the City and County want a system of preferences guiding the siting of wireless facilities?
9. Do the City and County want incentives established for siting of wireless facilities? What incentives can the City and County offer in terms of permitted uses or expedited review?
10. Do the City and County want to encourage or create a preference for locating on City and County property by providing incentives in the regulatory process for such expedited review?
11. Are there historical, scenic or environmentally sensitive areas which require further consideration and scrutiny?
12. What type of permitted height should be permissible in differing zones?
13. Should all towers and antennas require such public hearings or should some antennae be permitted with other permits or administrative review without public hearings?
14. What type of process should be instituted where there is abandonment of facilities, or in the event that the effective radiated power is reduced, or if smaller towers would suffice as technology continues to improve?
15. What type of sanctions (civil, criminal, revocation of authorizations or a combination thereof) should be provided in the ordinance?

Duchen also reviewed *City of Lincoln and Lancaster County, Model Telecommunications Ordinance* (Exhibit C). He stated this ordinance will be impacted by LB 496, which changes right-of-way for telecommunications lines and related facilities and eminent domain powers, noting ambiguous language included in the bill clouds cost recovery and licensing of franchises issues.

Duchen stated policy decisions include whether to apply this ordinance to other providers, such as electric, water and natural gas companies, and how to address excess capacity, open video system, private communication system and telecommunication reseller issues.

Duchen also submitted a handout detailing *Personal Wireless Services and Facilities* (Exhibit D).

Campbell suggested that the County Board hold a joint public hearing with the City Council on issues related to the proposed ordinances.

Duchen suggested the Board review the submitted materials and make comment. He noted that he plans to meet with Kerry Eagan, Chief Administrative Officer; Diane Staab, Deputy County Attorney; and Jennifer Dam, Planning Department, on June 7<sup>th</sup> to further refine the draft ordinances.

Duchen noted that once the governing bodies have approved the drafts, they will then be shared with wireline and wireless providers and input will be solicited.

Campbell suggested that the County Board hold a joint public hearing with the City Council on issues related to the proposed ordinances.

The Board requested scheduling of a slide presentation of existing antennas and cellular towers in the City and County by Jennifer Dam, Planning Department, on the agenda for the Thursday, June 3<sup>rd</sup> County Board Staff Meeting.

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk